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Third conference of the Arab Anti-Corruption and Integrity Network
(ACINET)

**“Societal Participation in Anti-Corruption and Prospects for Enhancing Related
Mechanisms in Arab Countries”**

Fes, Morocco

19-21 December 2011

A- Introduction

“The Arab anti-corruption and integrity network” (ACINET) held its third conference in Fes, Morocco in 19-21 December 2011, with the support of the United Nations Development Programme (UNDP) and in partnership with the Central Authority for Corruption Prevention.

The conference was attended by 130 participants from 16 Arab countries¹ and representatives from several partner countries, national and international organizations, and independent experts. The Arab delegations included ministers and presidents of anti-corruption bodies and other regulatory bodies. In addition to judges, senior officials, parliamentarians, and representatives from the civil society and private sector also attended.

The conference lasted two and a half days in which the participants discussed the opportunities and challenges facing the enhancement of Societal Participation in Anti-Corruption in the Arab countries in the light of what the Region witnessed recently of mounting calls to engage in deep reforms that meet people’s expectations and deal with their political, economic and social demands. The participants reviewed the main mechanisms which strengthen societal participation in anti-corruption efforts. These mechanisms are: “access to information and public reporting”, “complaints and whistleblowing”, “public consultation in policy-making” and “social accountability”. They also reviewed the necessity to create an enabling environment for these mechanisms to ensure their efficiency. This environment represented in government’s respect for fundamental freedoms and human rights, and the major stakeholders’ ability to act with the objectivity and professionalism needed to establish real dialogues and partnerships between governmental and non-governmental organizations in the anti-corruption field. The participants benefited from the international standards and comparative experiences in the Region and outside in their discussions during the conference sessions.

Moreover, the conference witnessed the third general meeting of ACINET on the 21st December 2010. The members reviewed the work progress during the second session (2010-2011). They adopted the work programme of the third session besides another set of decisions. The most important decision is to shift ACINET's presidency from the Republic of Yemen, represented by his Excellency the President of the National Supreme Authority for fighting Corruption, to the Kingdom of Morocco, represented by the president of the Central authority for Corruption Prevention. Prior to that, the first general session was held for the non-governmental group of ACINET during which they discussed some issues relating to the idea of how to activate the team work. In addition, they agreed to open the registration to their membership in preparation for holding a regional meeting during the first half of 2012 for all registered members in order to identify work priorities and to discuss the ways and means to bring it into line with changes witnessed by the Arab region.

In conclusion, the participants adopted the following regional outlines as a base to follow-up on both the regional and national levels in the Arab Region. The new president of ACINET, Mr. Abdesselam Abouddrar, presented a commemorative trophy to the outgoing president, Mr. Ahmad Al-Anisi, in recognition of his role in steering ACINET during its second session.

• ¹ Jordan, Bahrain, Tunisia, Kuwait, Lebanon, Libya, KSA, Palestine, Sudan, Irak, Oman, Qatar, Egypt, Morocco, Mauritania, and Yemen.

B- Outlines

- 1- The Arab region witnesses huge changes that require reviewing the nature and the manner of the reform efforts that had been made in the field of governance. Also, it is necessary to renew the social contract already established in order to meet the new generation's aspirations in a more effective way. These changes brought in and are still bringing new challenges and opportunities that we should take into account, the most important of which is the one brought about by the change in the dynamic relationship between the State and the citizen. Making use of these opportunities and facing these challenges cannot be done through people's movements and claims only but needs the various stakeholders to be united to perform a serious and steady work over the next few years.

In this respect, the Conference recommends the following:

Building the reform efforts in the Arab countries upon new principles that are not limited only to enhancing efficiency of public administration, but to also seek to establish a clear organization for an effective accountability in order to gain people's trust and put an end to the power and money overlapping in a way that leads to the abuse of management of public funds and affairs .One of these principles is to have powerful parliaments that emanate from people's will by holding transparent and fair elections that reflect society's will in a correct way and monitor the government in an effective way. It shall also issue adequate laws that meet the people's aspirations and their needs in addition to an independent, fair and efficient judiciary to gain people's trust and ensure respect of judicial decisions. Also, more objective, independent and professional media, capable of contributing constructively to the achievement of the reforms needed is required.

- 2- The latest events showed that the efforts for fighting corruption exerted previously were not generally sufficient, with variations noted between one country and another, as well as the existence of a few good experiences that had been found in a number of countries. It also proved that the spread of corruption is one of the main concerns of the people in the Region, and facing is a popular demand that cannot be ignored. This new situation calls for specific steps and initiatives to promote community participation in fighting corruption in the Arab countries, particularly those which had accumulated a number of achievements in the fight against corruption in the last years based upon the view that the fight against corruption is not a mere technical issue but also a political one that requires an official powerful commitment and a clear political will.

In this respect, the Conference recommends the following:

Enhancing dialogue and coordination at national level in the fight against corruption through a number of committees and councils or national authorities where different stakeholders are represented, in addition to

crystallizing a clearer role for civil society in this field and focusing more efforts to enforce Articles 5 and 13 of the UN Convention against Corruption and activating the Declaration of Marrakech relating to the prevention of corruption.

3- Enhancement of community participation in the field of prevention of corruption requires a suitable environment represented in the State's respect for fundamental freedoms and human rights, and the main stakeholders' ability to show the objectivity and professionalism needed to establish meaningful dialogues and partnerships between governmental and non-governmental organizations acting in the field of anti-corruption. It also requires a clear separation between the executive, legislative and judicial powers and working to enhance its independence and performance, while submitting it to the rules of transparency, accountability and integrity. It also requires enhancing regular and effective communication between decision makers and non-governmental organizations as they are the most important channel through which society expresses its ideas and thoughts, taking into consideration that it is not necessary for such bodies, even if gathered under the title of fighting corruption, to show a common position on the issues raised because they represent society in its diversity.

In this respect, the Conference recommends the following:-

Sponsoring a regional dialogue, within the framework of ACINET, to identify the aspects of an enabling environment required to be found in the framework of the efforts that aim at enhancing community participation in fighting corruption.

4- Accessing information is a human right that should be established in constitutions, laws and practices. This right is provided for in the Universal Declaration of Human Rights and other relevant instruments. It is also called for in Article 10 of the UN Convention against Corruption and other related instruments. Approving mechanisms for accessing and disseminating information requires a careful reading of the realities of every country. It also requires adherence to international standards and best practices in this field while encouraging government entities to take the initiative of disseminating the greatest possible amount of information. In this regard, it is necessary to expand as much as possible the disclosure of information; the principle of confidentiality should be considered an exception that can only be invoked to protect public interest.

In this respect, the Conference recommends the following:

Launching campaigns of thinking and working on the national level, in a partnership framework that guarantees equality of opportunities and balance between the stakeholders in order to study and suggest the components of a comprehensive system that guarantees the right of access to information to the extent that it conforms to international standards and best practices as well as to local contexts, in addition to calling for the immediate release of available material, the disclosure of which the law authorizes, and which is not available to the public.

5- Giving people the possibility to submit complaints and report or disclose corruption practices is essential for enhancing community participation in fighting corruption, as well as offering help and protection to those who report such corrupt practices and deeds. Some of the provisions of the UN Convention against Corruption address the method through which such mechanisms are set out and activated. Regional outlines approved by ACINET relating to "the protection of witnesses and reporters" in April 3, 2009 help in this field. Approving and applying complaints and reporting corruption requires implementing what has

been set out in international instruments as well as regional outlines, to mention some of the international standards and best practices in this field. It also requires that account be taken of the social realities of the country concerned to guarantee the greatest possible level of success for those mechanisms. In this regard, the mechanisms for submitting complaints and reporting corruption should not be considered as being related to criminal claims only, as the matter often takes an administrative dimension; so, we shall consider the necessity of diversifying ways, motivations and guarantees in this field.

In this respect, the Conference recommends the following:

Enforcing the UN Convention against Corruption, in so far as mechanisms of complaints and reporting corruption are concerned, while being guided by the regional outlines of ACINET.

6- Public consultation on public policies is another way to enhance community participation in fighting corruption. Thanks to such consultations, policies may be more consonant with the actual needs and priorities of the people, and they should be more transparent and more accountable. If effective, these consultations would pave the way to a gradual effort to enhance the confidence of citizens in their country, together with the opportunities brought in to achieve stability and equitable development. Consultation mechanisms are diverse; thus, the most suitable forms to guarantee the participation of civil society, its individuals and institutions, in setting up public policies, are to be crystallized, including the use of electronic methods, and the need to ensure that the private sector is duly consulted as one of the stakeholders of society.

In this respect, the Conference recommends the following:

Assert the role of civil society in assessing the level of enforcement of the UN Convention against Corruption and relevant policies, and reassert the need for Arab countries to publish their self-evaluation reports relating to their enforcement of the UN Convention while exerting the necessary pressure to ensure that the principle of consultation is applied to all public policies.

7- Social accountability is an unofficial mechanism that aims at submitting the public sector, international institutions and even the private sector to the rules of fighting corruption. This is carried out through the monitoring of their performance by non-governmental bodies and by individual citizens, as well as through collective initiatives such as ethical charters or such other instruments. In this respect, alliance and cooperation between civil society organizations, private sector entities, and the media – and other components of society – are a source of strength and a major entry point for enhancing community participation in the fight against corruption.

In this respect, the Conference recommends the following:-

Organize national and regional activities to develop tools of social accountability and exchange experiences and knowledge; develop the skills needed to apply such tools and secure governmental and non-governmental bodies' cooperation.

8- The relationship between the four mechanisms which were the focus of the Conference ("information gathering and dissemination to the public", "complaints and reporting corruption", "consultation with the public on public policies" and "social accountability") are inter-related. This requires collaboration between

all the various stakeholders. However, in the wake of the events which shook the Region, this linkage required specific constructive initiatives of a strategic nature to be carried out by anti-corruption bodies or other authorities that are fighting corruption and assigned to steer anti-corruption efforts at the national level. Such initiatives may include the updating, enactment and enforcement of legislation; institutional and capacity building initiatives for the stakeholders, but it mostly requires from those authorities that they grant the issue of community participation a central focus in the next stage.

In this respect, the Conference recommends the following:

Develop the communication and outreach capabilities of anti-corruption authorities and other bodies dealing with anti-corruption, as well as support the reforms needed to enable such bodies to secure civil society participation in fighting corruption in their own countries, while strengthening the independence of those authorities in accordance with the UN Convention against Corruption.

9- In support of the conclusions of this Conference, during its third session under the presidency of the Kingdom of Morocco, ACINET will work "to enhance the ability of non-governmental entities to participate effectively in developing national anti-corruption strategies and intensifying the efforts for the implementation of the UN Convention against Corruption in the Arab Region, as well as "developing the skills of experts in investigation, interrogation, claim processing, international cooperation and recovery of assets misappropriated through corruption ". It will also strive to enhance and apply its methods of work in response to the new situation that emerged in the Arab region as a result of the 2011 events.

In this respect, the Conference recommends the following:

Invite the United Nations Development Programme as well as international and regional partners, especially the League of Arab States and the UN Office on Drugs and Crime, to play a leading role in following up these outlines and supporting the implementation of the ACINET's agenda and that of its non-governmental group for the period 2012-2013, while drawing attention to the need to devise ways and means to create a fund to which all Arab countries should contribute. Such a fund shall be put under the responsibility and care of the presidency of ACINET and will be used to support such efforts in the coming years.

Finally, all participants expressed their heartfelt gratitude and appreciation to the Kingdom of Morocco for hosting the Conference. They also expressed their deep appreciation to the Central Authority for Corruption Prevention in Morocco, as well as to the United Nations Development Programme for their efforts in supporting the organization of the this important regional conference and contributing to its success.
